

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRANDON R. SULLIVAN,

Plaintiff,

v.

WILLIAM AURICH et al.,

Defendants.

Case No. C21-5433-RSL-SKV

ORDER DENYING MOTION TO
STAY PROCEEDINGS AND
STRIKING DUPLICATE MOTION

Plaintiff is a state prisoner proceeding pro se and *in forma pauperis* in this 42 U.S.C. § 1983 civil rights action. On December 14, 2022, Plaintiff moved to stay these proceedings on the ground that he is “suffering pain in his writing hand.” Dkt. 90 at 4. Plaintiff states that “[i]t hurts to write,” and he has “to write to take notes in the law library” and to “put motions [together].” *Id.* As such, Plaintiff requests these proceedings be stayed until he “has received a means to put together motions without writing, or until his hand is healed,” or “until he is medically cleared.” *Id.* at 5. Defendants oppose Plaintiff’s motion, arguing they would be “extremely prejudiced” by an “unlimited stay of proceedings.” Dkt. 92 at 1. Defendants state that as medical providers, “allegations such as those brought by [Plaintiff] can harm [their reputation],” and granting this stay would “keep[] the specter of [Plaintiff’s] baseless allegations

1 over their heads without end.” *Id.* Defendants further posit Plaintiff’s motion is proof itself that
2 “he indeed can write so it appears he may be overstating the extent of his inability to write.” *Id.*

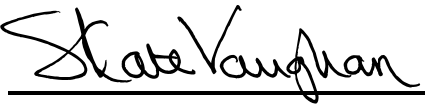
3 A district court has discretion to stay proceedings in its own court. *Landis v. N. Am. Co.*,
4 299 U.S. 248, 254 (1936). In evaluating a request for a stay, the Court considers the competing
5 interests at stake, including the possible damage which may result from a stay, the hardship or
6 inequity a party may suffer in being required to go forward, and “the orderly course of justice
7 measured in terms of simplifying or complicating the issues, proof, and questions of law which
8 could be expected to result from a stay.” *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir.
9 2005) (quoting *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962)). “The proponent of a stay
10 bears the burden of establishing its need.” *Clinton v. Jones*, 520 U.S. 681, 708 (1997). *See also*
11 *Landis*, 299 U.S. at 255 (Party seeking “a stay must make out a clear case of hardship or inequity
12 in being required to go forward, if there is even a fair possibility that the stay for which he prays
13 will work damage to [someone] else.”).

14 Here, Plaintiff fails to establish a clear case of hardship sufficient to overcome the
15 probable damage that a potentially unlimited stay may enact upon Defendants. Plaintiff has
16 provided no information as to the cause of the pain in his right hand or the nature of it. And
17 while writing with his hand may cause pain, there appears to be no other way for Plaintiff to
18 prosecute this case given his lack of access to other forms of writing. Moreover, Plaintiff has
19 neither acknowledged nor addressed the potentially unlimited nature of his requested stay and
20 how it might prejudicially impact Defendants. Under these circumstances, the Court finds no
21 justification for Plaintiff’s requested stay. Plaintiff’s Motion to Stay Proceedings, Dkt. 90, is
22 therefore DENIED. The Court will, however, take Plaintiff’s concerns regarding his hand into
23

1 consideration with regard to any request Plaintiff may make for deadline extensions as the case
2 moves forward.

3 Finally, it appears Plaintiff has filed a duplicate copy of his motion to stay proceedings at
4 Dkt. 93. Based on the Court's denial of his motion at Dkt. 90, the Court strikes Plaintiff's
5 motion at Dkt. 93 as moot. The Clerk is directed to STRIKE the motion to stay proceedings at
6 Dkt. 93, and to send copies of this Order to the parties and to the Honorable Robert S. Lasnik.

7 Dated this 17th day of January, 2023.

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10 S. KATE VAUGHAN
United States Magistrate Judge